

UNITED STATES DISTRICT COURT

for the

District of Oregon

FILED 16 MAR '18 14:04 USDC-ORE

United States of America

v.

Jonathan L. Mann

Case No.

6:18-MJ- 62 -JR

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of between 09/17/2015 to 02/08/2017 in the county of Deschutes in theDistrict of Oregon, the defendant(s) violated:

Code Section

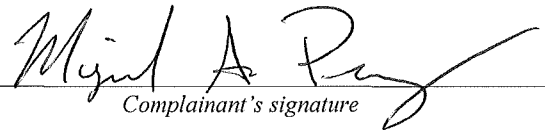
Offense Description

18 U.S.C. 2261A(2)(B)

Stalking

This criminal complaint is based on these facts:

The attached affidavit of FBI SA Miguel A. Perez which is incorporated herein

☒ Continued on the attached sheet.


Complainant's signature

Miguel A. Perez, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 3/16/18


Judge's signature
City and state: Eugene, Oregon

Thomas M Coffin, United States Magistrate Judge

Printed name and title

DISTRICT OF OREGON, ss:

AFFIDAVIT OF MIGUEL A. PEREZ

Affidavit in Support of a Criminal Complaint

I, Miguel A Perez, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent (“SA”) of the Federal Bureau of Investigation (“FBI”) and have been so employed since January 2015. I am currently assigned to the Portland Division, Eugene Resident Agency. While employed by the FBI, I have investigated federal criminal violations related to terrorism, financial crimes, and violent crimes as well as a number of other criminal offenses. As a federal agent, I am authorized to seek and obtain search warrants, to obtain arrest warrants, and to investigate violations of federal law. My responsibilities include the investigation of federal criminal offenses, to include 18 U.S.C. § 2261A(2)(B) – Stalking.

2. This affidavit is submitted in support of a criminal complaint and arrest warrant for Jonathan L. MANN for violation 18 U.S.C. § 2261A(2)(B) – Stalking. As set forth below, I have probable cause to believe that between on or about September 17, 2015, and February 8, 2017, MANN, with the intent to harass and intimidate, used an electronic communication service or any other facility of interstate commerce, to engage in a course of conduct that caused, attempted to cause, or would be reasonably expected to cause substantial emotional distress to the person who was the object of his communications, and the immediate family members and spouse or intimate partner of that person.

3. The facts set forth in this affidavit are based on information provided to me by FBI Special Agent Chad Lapp, the lead investigating agent, who has been a Special Agent since December 2014. His knowledge is based on the following: his own personal knowledge; knowledge obtained from other individuals during his participation in this investigation,

including other law enforcement officers; interviews of witnesses; his review of records related to this investigation; communications with others who have knowledge of the events and circumstances described herein; and information gained through his training and experience. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of the application for an arrest warrant, it does not set forth each and every fact that SA Lapp or others have learned during the course of this investigation.

Applicable Law

4. 18 U.S.C. § 2261A(2)(B) provides that whoever with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, uses the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that causes, attempts to cause, or would be reasonable expected to cause substantial emotional distress to a person shall be punished in accordance with section 2261(b). As defined in 18 U.S.C. § 2510, an electronic communication service means any service which provides users the ability to send or receive wire or electronic communications.

Statement of Probable Cause

Victims

5. Victim 1 is a female who will be referred to as V1. V1 worked with MANN at Pappy's Pizza in Redmond, OR. MANN was V1's shift manager. MANN began aggressively pursuing V1 in September, 2015. In September, 2015, V1 was 19 years old and MANN was 30 years old. Victim 2, who will be referred to as V2, is now V1's husband. Victim 3, who will be referred to as V3, is V1's father. Victim 4, who will be referred to as V4, is V1's mother.

September 2015 Stalking Complaint and Arrest

6. On 09/19/2015, V3 called the Redmond, Oregon Police Department to report a stalking incident that occurred at his residence in Redmond, OR. V3 reported that MANN has been pursuing his daughter V1. V3 reported that over the last few years MANN has called and texted V1 on more than one occasion and has showed up at her high school volleyball games. V3 reported that V1 did not want any contact with MANN. V3 reported that on 09/19/2015, MANN arrived at V1 and V3's residence and was confronted by V3. MANN told V3 that V1 "needs his help." V3 advised that based on his observations MANN may have been suffering from mental health issues. V3 told MANN that based on repeated unwanted contact, MANN was trespassed from their property. V3 made it clear to MANN that V1 did not wish any contact with him whether it be phone, text, email, in person, or via third person.

7. On 09/21/2015, Redmond Police Officer Michael Maloney responded to V1's residence based on a report that V1 was receiving unwanted messages from MANN. V1 told Officer Maloney that MANN had been a shift manager when she worked at Pappy's Pizza. V1 advised that MANN was always a little "weird" but she felt sorry for him. V1 advised that MANN gave her a nickname which he constantly used. V1 advised that the last time she worked with MANN was in 2014. V1 advised that after she and MANN stopped working together, she would receive an occasional message from MANN. V1 stated the messages seemed to be MANN wanting to start a conversation with her. V1 stated that she would reply with only one word or a response to indicate she did not want to continue the conversation.

8. V1 advised that on 09/13/2015, she made a casual acquaintance with MANN at Pappy's pizza. After she left Pappy's pizza, she and a friend, went to a Dutch Brother's coffee shop and as they were sitting in their car MANN appeared in the car window which caused V1

and her friend to be extremely alarmed. After the 09/13/2015 interaction, MANN began to contact her continually.

9. V1 advised that one of her co-workers at Dutch Brothers stated that MANN showed up at the coffee shop multiple times asking to see V1. V1 stated that MANN had been contacting V2 via text and Facebook stating that MANN believed V2 was harming V1 and V2 needed to stop talking to her.

Text Messages

10. In September of 2015, V1 provided Officer Maloney a print out of the text messages between her and MANN starting on 07/26/2015. The messages became obsessive starting on 09/17/2015. The names of all victims have been replaced in the quotes with V1-V4.

- On 09/15/2017, MANN and V1 exchanged the following messages:
 - MANN: "Hi V1, what are you up to? I'd sure like to see you!"
 - V1: "I'm sorry. I have plans with V2 today."
 - MANN: "Oh that's cool. What you gys doin? Goin fishin?"
 - MANN: "Hit me up on facebook l8r wood ya."
 - V1: "Dude I know that we all used to be Pappys buds but V2 gets really uncomfortable with the amount of texts and calls I get from you. We just hung out on Sunday and you have texted me over and over again to hang out again and that's nice but V2 isn't okay with it. I'm sorry."
- From 09/17/2015 to 09/20/2015, MANN sent V1 over 100 unanswered text messages. The messages included:
 - "You seriously are the best V1! Thanks for believing in me!(:"
 - "Thank you again for helping me this morning V1."

- “Tell V2 I said hi please.”
- “Tell him Id apprexiate it if you wouldnt text me any more.”
- “Hey V1 you are always welcome to come to my house if somethings not right.
You know where I live!”
- “I think you need to find your Keys V1!”
- “Don’t let anybody snatch your keys V1!”
- “I think somebody needs to politely hand V1 her Keys Now!!!!”
- “Sure wish I had time to Use the punching bag on my back porch. Guess Ill just
do 4 pullups instead(;”
- “I hope thats not a claw in my tummy I feel right now.”
- “Hey V1 is it ok if I keep texting you now? I sure would like to!”
- “V1 would you Please ask V2 if its alright for me to text you now?”
- “guess you guy didnt know who we were playin with?”
- “Whos battin klean up now?!?!”
- “At least he found his cards V1”
- “We’re all just building trust here.”
- “I guess I should have just choked him out for touching your leg V1.”
- “We’re all still here for you.”
- “Hi V1! I hope everything’s ok with you. Ive been worred about you lately.”
- “Im sorry for texting you over and over last night like a crazy person. Im just
getting tired of not being able to sleep. Is everything ok V1.”
- “Im getting NERVOUS!”
- “Hope youre doing V1! Im thinkin about you.”

- “Still here V1(“
- “Hey V1. Why don’t you ask V2 if he would like to have dinner with you, Justy Zach and I some time soon.”
- “Or if hes not ok with that we can have luch with just me and my friends(=“
- “Or the best thig I think would be for he and I to have a meet. I don’t remember you ever properly introducing us. Didnt even want me to touch his card.”
- “Can you do that for me V2 or do I really have to find you on my own? Cuz I wont be alone if that’s the case boy.”
- “Puppy dawg trying out for the wolves?”
- “What happens when my wolves arent hungry? They dont eat grasses. Or bread. They Like MEAT.”
- “How much longer you want me to wait? You think im going to get cooler?”
- “I think you at least owe me the respect of a hand shake you little bugger.”
- “Hey V2 have you talked to your sister (name of listed person omitted) lately? How is she doin man?
- “Hope shes doing well. She seems like a very special person.”
- “I really thinks it time we have ourselves a little powwow V2.”
- “Oh Mann her I am getting nervous again. This Is Jon by the way V2. JON MANN.”

11. Based on the continual and alarming content of the messages and the fact MANN showed up to V1’s house, V1 advised that she was extremely alarmed and feared what MANN might do to her, V2, her family, or her friends. V1 filled out a State of Oregon Stalking

Citation. Officer Maloney arrested MANN for two counts of telephonic harassment and one count of stalking.

12. After MANN was arrested, Officer Maloney served him with a stalking citation. When Officer Maloney served MANN the stalking citation, MANN stated "I don't recognize that. All that is, is a piece of paper to me." Officer Maloney called the Deschutes County Mobile Crisis Team to conduct a mental health evaluation of MANN. Terry S. evaluated MANN and advised that he was very concerned MANN would reoffend when he was released from jail.

February 2017 Stalking Order Violation and Arrest

13. On 02/08/2017, Officer Maloney responded to a stalking order violation. V1 advised that she received a text message from MANN that morning. V1 told Officer Maloney that she had recently gotten married and was pregnant. V1 stated that during the last week, her immediate social circle had been receiving text messages from MANN. V1 stated that her parents, V3 and V4, had also received text messages from MANN. V1 advised that due to her friends and parents receiving messages from MANN, she unblocked his number from her phone. After unblocking MANN's number, V1 received a message from MANN that stated "I Love You (V1). Man, more than Anything." V1 stated the message had brought back the same alarm and concern which she had felt in 2015. V1 stated that she was in fear for V2's safety, for their property, and their unborn child.

14. V3 called Officer Maloney and advised that he and his wife, V4, had received messages from MANN. V3 advised that he received three messages from MANN and V4 received 21 messages from MANN. V3 stated that MANN had made veiled threats to V2 and V3 and the rest of the messages were rambling and incoherent. One of the messages to V3

stated “You have no idea what I’m capable of.” V4 told officer Maloney that she was alarmed and concerned about MANN interjecting himself into their lives again. V4 advised that she was concerned for V2’s safety due to MANN still loving V1.

15. In February 2017, the Redmond Police Department executed a search warrant on MANN’s cell phone that was seized incident to his arrest on 02/08/2017. A review of the phone’s contents provided the following information:

- From 02/06/2017 to 02/08/2017, MANN sent numerous text messages to telephone number (541) 693-xxxx. Although when the text messages were sent the phone number was not assigned to V2, V2 used the number in 2015 and it is clear MANN intended the messages to be sent to V2. The messages intended for V2 included:
 - “Hey V2 will you please tell Justin that Tyrel Miller is coming back 4 Tha Rent\$ That’s from Tha Hud. SON.”
 - “Man, if somebody ever impied that this Baby wasnt mine, Id lay it down pretty Hard.”
 - “Welcome to the wolfpack. Little Ni**a.”
 - “Hey do you know any prostitutes by extortion?”
 - “I cant think of any Dudes I Love enough to let put hands on my Woman. I mean, I don’t have one of those I guess. A Woman, that is. I have plenty of Dudes.”
 - “I had this Krazy thought the other day. Did you ever hit your wife in the face the other day?”
 - “If only those who Love me knew How Scary I Actually Am. Not something I ever cared to share, with a little Girl.”
 - “Do you know who I care 4 Tha Most? She’s still So Perfect.”

- “No matter what you and your dad have done to her to make her believe otherwise. Oh wait, Sh*t.. It does matter Inn Fact...”
- “How is Captian ron? Im Looking 4 Tha Baddest Mothe**ucker Inn The High Desert 2 Challenge Mai Title. Fu**ing Tiger Arm Are you Kidding? Milking All your Quarter.”
- “I would do anything for that Girl. I could walk through Hell and back 4 that 1. If you walked into Hell, do you think theyd let you leave?”
- “You know HOW Dope that Was Before You V2? I Do. She Was A Virgin.”
- “I Want Watch That Belly Grow.”
- “So are you a better fighter, or pimp?”
- “Human sex trafficking with a Sheriff’s Daughter? Not near as fu**ing stupid as pimping out My Boo, Gallo.”
- “Do you even Love this Girl? Or are you really just that Afraid of Me? You dont get to keep that if you wont Fight 4 Her.”
- “Ok V2, it’s the end of the day. Its like this: I am accusing you & your father (V2’s father was named) (Tiger Arm not that suble by the by) of forcing V1 into prostitution by way of extortion. I wish I were mentally ill sometimes.
Furthermore, I am concerned that the child within her is not yours @by any title whatsoever (not as concerned as I would be if I thought it were yours). You should know that nothing that she has been through since you ent@ered her life could make me Love That Girl any less than I Have for the past 4.5 years. She is my favorite person, and she is currently the 2 mos@t important things in my life. I would die protecting them if that’s wat it took ...”

- “Godam It takes sum kinda gorilla dic dirtbag too rape a pregnant gurl. Witch Pregnant Girl. WITCH RAPE.”
- “Welcome 2 marz:) I so Love V1. That is why ulma jack u son.”
- “This is your kleaning lady. Mothe**ucker(;”
- From 02/07/2017 to 02/08/2017, MANN and V3 exchanged the following messages:
 - MANN: “Hello Sir.”
 - V3: “This is the last time I will tell you this. Do not contact my wife or I in anyway. In person or by phone. If all contact does not stop immediately I will have you arrested.”
 - MANN: “Ok V3, You can have me arrested, if you think that is in your family’s best interest. I think that’s kinda weird tho. Here’s why: I may be a colorfull @pasteY X = Criminal, but I have been bending over backward trying to keep Baby Girl Safe & Happy. You have no idea what I am capable of ...”
- From 02/07/2017 to 02/08/2017, MANN sent the following messages to V4:
 - “FWD: Welcome Tomb Ey Facebook Page. Or Angle Tangy. Out Mai Cage. Tiger arm envokes my rage, Sew Tres Amigoz Blaze That Sage ...”
 - “FWD: Im giving you till the end of the day to hand your phone over to V3, V2.”
 - “FWD: Ok V2, It’s the end of the day. Its like this: I am accusing you & your father (V2’s father was named) (Tiger Arm not that suble by the by) of forcing V2 into prostitution by way of extortion...”
 - “... I love You Guys, The AdoraBlessed Family Inn All of R – Town:)”
 - “Am I facing a felony now V4? Please dont answer that.”

16. On 02/08/2017, the Redmond Police Department arrested MANN for violating a Stalking Protective Order and 22 counts of telephonic harassment. MANN was charged in Deschutes County Circuit Court with multiple felony and misdemeanor crimes. However, he was sent to the Oregon State Hospital and it was determined that he was be unable to aid and assist in his defense. On August 10, 2017, a defense motion to dismiss was granted as the court found that there was no substantial probability that in the foreseeable future MANN would gain or regain the capacity to stand trial. MANN was released from custody after the dismissal.

March 2018 Stalking Order Violation and Arrest

17. On 11/02/2017, Officer Maloney contacted V1 and V2 because he received information that they both had recent contact with MANN. V2 told Officer Maloney that MANN came to his work at the Grocery Outlet every two to three weeks. V2 believed MANN was trying to intimidate him by staring at him while he walked around the store. V2 stated that when he saw MANN in the store he attempted to avoid any contact with MANN by going to another area of the store.

18. On 02/27/2018, Officer Maloney responded to V2's place of employment for a theft case unrelated to MANN. V2 told Maloney that MANN was at the store earlier that day. V2 stated that MANN rammed his shopping cart into several crates of milk that V2 recently moved to the grocery store aisle. V2 advised that MANN said something to him but he did not hear what it was.

19. On 02/28/2018, Officer Maloney responded to V2's place of employment for an unwanted male. The male was MANN who was yelling and acting erratically inside the store. Officer Maloney interviewed V2 who identified the male as MANN. V2 told Officer Maloney

that he was alarmed and scared, so he went to the back area of the store where customers are not allowed. Officer Maloney contacted MANN at the store and trespassed him from the property.

20. On 03/01/2018, Officer Maloney was contacted by V3. V3 told Officer Maloney that on 03/01/2018 he received a text message from an individual self-identifying as “Jonny Walker, Mann.” The messages continued in the same grammatical pattern as the previous messages from MANN. On message stated “V3, your daughter, is the best therapist I’ve ever had.”

21. On 03/01/2018, Officer Maloney was contacted by V2. V2 told Officer Maloney that MANN had just contacted him at the gas station at the Redmond Fred Meyer. V2 advised that he was bent over filling his car tires with air when MANN started yelling at him from approximately 10 feet away. V2 stated that he was scared and alarmed by the tone of MANN’s yelling. V2 stated that MANN said something similar to “You know that V1’s baby ain’t yours.” V2 stated that he felt threatened and intimidated by MANNs repeated and unwanted contacts.

22. On 03/01/2018, Officer Maloney contacted MANN. MANN admitted to contacting V3. MANN became aggressive with Officer Maloney and was detained in handcuffs. MANN was advised of his Miranda Rights and acknowledged that he understood his rights. During Officer Maloney’s contact with MANN, it appeared he was suffering from a mental health issue. MANN’s emotions would rapidly vary from extreme anger to calm. MANN consented for a search of his cell phone which had V3’s telephone number saved in the contacts. MANN advised that he had pictures of V1 all over his apartment. MANN advised that it did not matter what the police or anyone else said, he knew he was supposed to be with V1. MANN was arrested for one count of violating a stalking order for communicating with

V2, for stalking for repeated unwanted contacts which raised alarm and coerced V3 and V2, and for telephonic harassment.

Conclusion

23. Based on the foregoing, I have probable cause to believe, and I do believe, that between on or about September 17, 2015, and February 8, 2017, Jonathan L. MANN violated 18 U.S.C. § 2261A(2)(B) – Stalking. As such, I respectfully request that this Court issue the requested complaint and arrest warrant.

24. This affidavit, the accompanying application, and the requested search warrant were all reviewed by Assistant United States Attorney (AUSA) Jeffrey Sweet prior to being submitted to the court. AUSA Sweet informed me that in his opinion, the affidavit and application are legally and factually sufficient to establish probable cause to support the issuance of the requested complaint and warrant.



MIGUEL A. PEREZ
Special Agent FBI

Subscribed and sworn to before me this 16 day of March, 2018.



THE HONORABLE THOMAS M. COFFIN
United States Magistrate Judge